REMARKS

The present communication responds to the Office Action dated December 12, 2006. In the present Office Action, the Examiner rejected claims 43-45, 47, 49-51, 53-54, 75-79, and 81-82 under 35 U.S.C. § 102(e) and claims 46, 48, 55-58, 80, and 83 under 35 U.S.C. § 103(a).

Claims 43-58 and 75-83 are currently pending in the instant application.

Rejections Under 35 U.S.C. § 102

Claims 43-45, 47, 49-51, 53-54, 75-79 and 81-82 are rejected under 35 U.S.C. § 102(e) as being rejected by U.S. Patent No. 6,397,213 ("Cullen").

Independent Claim 43 Is Not Anticipated by Cullen

Claim 43 is directed to a device comprising, in part, a library of stored images and a library of stored texts, "wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images and associates with the new image the stored text associated with the one of the stored images that is most similar to the new image."

Cullen does not disclose the invention of claim 43. Particularly, Cullen does not teach or suggest a microprocessor that compares a new image to stored images and associates with the new image any stored text associated with the one of the stored images that is most similar to the new image. Rather, Cullen discloses document query and search techniques. Initially, the documents to be searched are decomposed into zones, with each zone representing a grouping of text or graphical image or a combination thereof. *Cullen, col. 1, l. 65 – col. 2, l. 1; col. 7, ll. 55-58.* One or more of the zones may be annotated with text, image features, or a combination of both. *Cullen, col. 2, ll. 3-5; col. 7, ll. 58-60 .* Subsequently, a user initiates a document search and enters search criteria, which form a query document. *Cullen, col. 7, ll. 61-65.* The query document is then decomposed into zones. *Cullen, col. 7, ll. 66-67.* Each zone of the query documents is selected for processing. *Cullen, col. 7, ll. 66-67.* If the selected zone includes an image, the image is normalized and a normalized vector of the image is determined, which is then used to perform matching of the image. *Cullen, col. 8, ll. 3-7.* If a selected zone does not include an image, the text annotation of the selected zone is matched against text annotations of zones in documents in the database. *Cullen, col. 8, ll. 16-18.* After all of the zones in the query document have been processed, the results of the matching process are processed and sorted. *Cullen, col. 8, ll. 28-30.* Subsequently, "[a] set of documents having the best search results is displayed." *Cullen, col. 8, ll. 36-37.* In sum, the system in Cullen simply provides for the

retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document, which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen disclose associating stored text with a new image.

It is asserted in the Office Action that Cullen discloses associating stored text with a new image at col. 3, line 49 – col. 4 line 65. However, that passage, like the rest of the Cullen reference, does not disclose associating stored text with a new image. Instead, the passage simply discloses the decomposition of a document to be searched into zones which may include a combination of text and graphical image, such as an image with a caption.

Thus, Cullen fails to disclose a microprocessor that compares a new image to stored images and associates with the new image any stored text associated with the one of the stored images that is most similar to the new image. As such, claim 43 is not anticipated by Cullen. Reconsideration and withdrawal of the rejection is respectfully requested.

Independent Claim 47 Is Not Anticipated by Cullen

Claim 47 is directed to a device comprising, in part, a library of stored images, a library of stored texts, and a microprocessor, "wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images, and, based on the comparison, associates one or more portions of one or more of the stored texts with the new image."

Cullen does not teach or suggest the invention of claim 47. Particularly, Cullen does not disclose a microprocessor that compares a new image to stored images and, based on the comparison, associates one or more portions of one or more of the stored texts with the new image. Rather, as discussed above, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does disclose associating one or more portions of one or more stored texts with a new image.

Thus, Cullen fails to disclose claim 47. As such, claim 47 is not anticipated by Cullen. Reconsideration and withdrawal of the rejection is respectfully requested.

Independent Claim 51 Is Not Anticipated by Cullen

Claim 51 is directed to a apparatus comprising, in part, means for storing a plurality of images and a plurality of texts, means for comparing a new image to the stored images, and

"means for creating a record by associating with the new image the stored text associated with the identified stored image."

Cullen does not teach or suggest the invention of claim 51. Particularly, Cullen does not disclose means for creating a record by associating with the new image the stored text associated with the identified stored image. Rather, as discussed above, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen teach or suggest associating stored text with a new image.

Thus, Cullen fails to teach or suggest claim 51. As such, claim 51 is not anticipated by Cullen. Reconsideration and withdrawal of the rejection is respectfully requested.

Independent Claim 56 Is Not Anticipated by Cullen

Claim 56 is directed to a method comprising, in part, "comparing [a] library digital image and [an] outside digital image, wherein the text description associated with the library digital image most similar to the outside digital image is selected to become associated with the outside digital image to form a medical record."

Cullen does not disclose the invention of claim 56. Particularly, Cullen does not disclose a library digital image and an outside digital image, wherein the text description associated with the library digital image most similar to the outside digital image is selected to become associated with the outside digital image to form a medical record. Rather, as discussed above, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen disclose selecting a text description to become associated with an outside digital image. Thus, Cullen fails to teach or suggest claim 56. As such, claim 56 is not anticipated by Cullen. Reconsideration and withdrawal of the rejection is respectfully requested.

Independent Claim 75 Is Not Anticipated by Cullen

Claim 75 is directed to a method comprising, in part, "comparing [an] outside image to . . . groups of library images, selecting an image or group of images from the library images that are most similar to the outside image, selecting the library text corresponding to the portion of the

procedure corresponding with the selected library image, and storing the selected library text with the outside image to create a record."

Cullen does not teach or suggest the invention of claim 75. Particularly, Cullen does not disclose comparing an outside image to groups of library images, selecting an image or group of images from the library images that are most similar to the outside image, selecting the library text corresponding to the portion of the procedure corresponding with the selected library image, and storing the selected library text with the outside image to create a record. Rather, as discussed above, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen disclose selecting a library text corresponding to the portion of the procedure corresponding with the selected library image and storing the selected library text with the outside image to create a record.

Thus, Cullen fails to teach or suggest claim 75. As such, claim 75 is not anticipated by Cullen. Reconsideration and withdrawal of the rejection is respectfully requested.

Independent Claim 81 Is Not Anticipated by Cullen

Claim 81 is directed to a method comprising, in part, "comparing [a] new image to . . . stored images using digital image recognition to identify the one or more stored images that are most similar to the new image, and when the most similar one or more stored images are identified, associating with the new image the stored text associated with the identified stored image."

Cullen does not teach or suggest the invention of claim 81. Particularly, Cullen does not disclose comparing a new image to stored images using digital image recognition to identify the one or more stored images that are most similar to the new image, and when the most similar one or more stored images are identified, associating with the new image the stored text associated with the identified stored image. Instead, as discussed above, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen disclose associating stored text with a new image.

Thus, Cullen fails to teach or suggest claim 81. As such, claim 81 is not anticipated by Cullen. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims Depending from the Above Independent Claims Are Patentable

Because claims 44-46, 48-50, 52-55, 57-58, 76-80, and 82-83 depend directly or indirectly from one of the above independent claims and incorporate all the limitations of those claims, the above arguments obviate the bases for these grounds of rejection. Thus, claims 44-46, 48-50, 52-55, 57-58, 76-80, and 82-83 are not anticipated by Cullen. Reconsideration and withdrawal of the rejections are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 46, 48, 55-58, 80 and 83 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cullen in view of U.S. Patent No. 6,529,617 ("Prokoski").

Independent Claim 43 Is Not Unpatentable Over Cullen in View of Prokoski

As discussed above, claim 43 is directed to a device comprising, in part, a library of stored images and a library of stored texts, "wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images and associates with the new image the stored text associated with the one of the stored images that is most similar to the new image."

As also discussed above, Cullen does not disclose the invention of claim 43. Rather, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen*, col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen disclose associating stored text with a new image.

Prokoski fails to remedy the deficiencies of Cullen. That is, Prokoski fails to teach or suggest a microprocessor that compares the new image to the stored images and associates with the new image the stored text associated with the one of the stored images that is most similar to the new image. Instead, Prokoski discloses an imaging device that produces "a first signal representative of sensed characteristics of [an] individual and a minutiae generator which receives the first signal and produces a second signal representative of minutiae of the individual," and subsequently produces "a third signal representative of the characteristics which is stored in a minutiae database for each of the plurality of known individuals." *See Prokoski , Abstract.* Nowhere does Prokoski teach or suggest associating stored text with a new image.

As such, the combination of Cullen and Prokoski fails to teach or suggest the invention of claim 43. Thus, neither Cullen nor Prokoski, alone or in combination, teach or suggest the invention of claim 43.

Independent Claim 47 Is Not Unpatentable Over Cullen in View of Prokoski

As discussed above, claim 47 is directed to a device comprising, in part, a library of stored images, a library of stored texts, and a microprocessor, "wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images, and, based on the comparison, associates one or more portions of one or more of the stored texts with the new image."

As also discussed above, Cullen does not teach or suggest the invention of claim 47. Rather, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen teach or suggest associating one or more portions of one or more stored texts with a new image.

Prokoski fails to remedy the deficiencies of Cullen. That is, Prokoski fails to teach or suggest a microprocessor that compares the new image to the stored images, and, based on the comparison, associates one or more portions of one or more of the stored texts with the new image. Instead, as discussed above, Prokoski discloses an imaging device that produces "a first signal representative of sensed characteristics of [an] individual and a minutiae generator which receives the first signal and produces a second signal representative of minutiae of the individual," and subsequently produces "a third signal representative of the characteristics which is stored in a minutiae database for each of the plurality of known individuals." *See Prokoski , Abstract.* Nowhere does Prokoski teach or suggest associating one or more portions of one or more stored texts with a new image.

As such, the combination of Cullen and Prokoski fails to teach or suggest the invention of claim 47. Thus, neither Cullen nor Prokoski, alone or in combination, teach or suggest the invention of claim 47.

Independent Claim 51 Is Not Unpatentable Over Cullen in View of Prokoski

As discussed above, claim 51 is directed to a apparatus comprising, in part, means for storing a plurality of images and a plurality of texts, means for comparing a new image to the

stored images, and "means for creating a record by associating with the new image the stored text associated with the identified stored image."

As also discussed above, Cullen does not teach or suggest the invention of claim 51. Instead, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen teach or suggest associating stored text with a new image.

Prokoski fails to remedy the deficiencies of Cullen. That is, Prokoski fails to teach or suggest means for creating a record by associating with the new image the stored text associated with the identified stored image. Instead, as discussed above, Prokoski discloses an imaging device that produces "a first signal representative of sensed characteristics of [an] individual and a minutiae generator which receives the first signal and produces a second signal representative of minutiae of the individual," and subsequently produces "a third signal representative of the characteristics which is stored in a minutiae database for each of the plurality of known individuals." *See Prokoski , Abstract.* Nowhere does Prokoski teach or suggest associating stored text with a new image.

As such, the combination of Cullen and Prokoski fails to teach or suggest the invention of claim 51. Thus, neither Cullen nor Prokoski, alone or in combination, teach or suggest the invention of claim 51.

Independent Claim 56 Is Not Unpatentable Over Cullen in View of Prokoski

As discussed above, claim 56 is directed to a method comprising, in part, "comparing [a] library digital image and [an] outside digital image, wherein the text description associated with the library digital image most similar to the outside digital image is selected to become associated with the outside digital image to form a medical record."

As also discussed above, Cullen does not teach or suggest the invention of claim 56. Instead, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen teach or suggest selecting a text description to become associated with an outside digital image.

Prokoski fails to remedy the deficiencies of Cullen. That is, Prokoski fails to teach or suggest selecting a text description to become associated with an outside digital image. Instead, as discussed above, Prokoski discloses an imaging device that produces "a first signal representative of sensed characteristics of [an] individual and a minutiae generator which receives the first signal and produces a second signal representative of minutiae of the individual," and subsequently produces "a third signal representative of the characteristics which is stored in a minutiae database for each of the plurality of known individuals." *See Prokoski*, *Abstract*. Nowhere does Prokoski teach or suggest selecting a text description to become associated with an outside digital image.

As such, the combination of Cullen and Prokoski fails to teach or suggest the invention of claim 56. Thus, neither Cullen nor Prokoski, alone or in combination, teach or suggest the invention of claim 56.

Independent Claim 75 Is Not Unpatentable Over Cullen in View of Prokoski

As discussed above, claim 75 is directed to a method comprising, in part, "comparing [an] outside image to . . . groups of library images, selecting an image or group of images from the library images that are most similar to the outside image, selecting the library text corresponding to the portion of the procedure corresponding with the selected library image, and storing the selected library text with the outside image to create a record."

As also discussed above, Cullen does not teach or suggest the invention of claim 75. Rather, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen teach or suggest selecting a library text corresponding to the portion of the procedure corresponding with the selected library image and storing the selected library text with the outside image to create a record.

Prokoski fails to remedy the deficiencies of Cullen. That is, Prokoski fails to teach or suggest selecting a library text corresponding to the portion of the procedure corresponding with the selected library image and storing the selected library text with the outside image to create a record. Instead, as discussed above, Prokoski discloses an imaging device that produces "a first signal representative of sensed characteristics of [an] individual and a minutiae generator which receives the first signal and produces a second signal representative of minutiae of the

individual," and subsequently produces "a third signal representative of the characteristics which is stored in a minutiae database for each of the plurality of known individuals." *See Prokoski*, *Abstract*. Nowhere does Prokoski teach or suggest selecting a library text corresponding to the portion of the procedure corresponding with the selected library image and storing the selected library text with the outside image to create a record.

As such, the combination of Cullen and Prokoski fails to teach or suggest the invention of claim 75. Thus, neither Cullen nor Prokoski, alone or in combination, teach or suggest the invention of claim 75.

Independent Claim 81 Is Not Unpatentable Over Cullen in View of Prokoski

As discussed above, claim 81 is directed to a method comprising, in part, "comparing [a] new image to . . . stored images using digital image recognition to identify the one or more stored images that are most similar to the new image, and when the most similar one or more stored images are identified, associating with the new image the stored text associated with the identified stored image."

As also discussed above, Cullen does not teach or suggest the invention of claim 81. Instead, the system in Cullen simply provides for the retrieval of existing documents from a database, the retrieved documents containing similar text and/or images to that of a selected document which may or may not include an image. *See Cullen,* col. 7, l. 55 – col. 8, l. 37. Nowhere does Cullen teach or suggest associating stored text with a new image.

Prokoski fails to remedy the deficiencies of Cullen. That is, Prokoski fails to teach or suggest associating stored text with a new image. Instead, as discussed above, Prokoski discloses an imaging device that produces "a first signal representative of sensed characteristics of [an] individual and a minutiae generator which receives the first signal and produces a second signal representative of minutiae of the individual," and subsequently produces "a third signal representative of the characteristics which is stored in a minutiae database for each of the plurality of known individuals." *See Prokoski*, *Abstract*. Nowhere does Prokoski teach or suggest associating stored text with a new image.

As such, the combination of Cullen and Prokoski fails to teach or suggest the invention of claim 81. Thus, neither Cullen nor Prokoski, alone or in combination, teach or suggest the invention of claim 81.

Claims Depending from the Above Independent Claims Are Patentable

Because claims 44-46, 48-50, 52-55, 57-58, 76-80, and 82-83 depend directly or indirectly from one of the above independent claims and incorporate all the limitations of those claims, the above arguments obviate the bases for these grounds of rejection. Thus, claims 44-46, 48-50, 52-55, 57-58, 76-80, and 82-83 are not unpatentable over Cullen in view of Prokoski. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

Applicant respectfully submits that claims 43-58 and 75-83 are in condition for allowance. Reconsideration and a Notice of Allowance for all pending claims are respectfully requested.
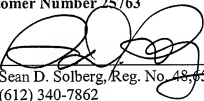
This response is being submitted on or before May 12, 2007, with the required fee of $225.00 for a two-month extension of time, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment, to Deposit Account No. 04-1420.

Respectfully submitted,

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Date: _April 20, 2007_

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